United Nations A/C.3/57/SR.27

General Assembly
Fifty-seventh session

Official Records

Distr.: General
20 November 2002

Original: English

Third Committee

Summary record of the 27th meeting
Held at Headquarters, New York, on Monday, 28 October 2002 at 10 a.m.

Chairman: Mr. Wenawaser ..... (Liechtenstein)

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* Items which the Committee has decided to consider together.

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02-66229 (E)

The meeting was called to order at 10.05 a.m.

Agenda item 107: Elimination of racism and racial discrimination *(continued)* (A/57/3)

(a) Elimination of racism and racial discrimination *(continued)* (A/57/18, A/57/83-E/2002/72, A/57/204, 333 and 334)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action *(continued)* (A/57/443)

Agenda item 108: Right of peoples to self-determination *(continued)* (A/57/178 and 312)

1. **Ms. Viotti** (Brazil) said that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance constituted a solid basis for efforts to combat all forms of racism, and in that connection her delegation welcomed the report of the United Nations High Commissioner for Human Rights on the comprehensive implementation of and follow-up to the Conference (A/57/443). Brazil also supported the activities of the Anti-Discrimination Unit of the Office of the High Commissioner.

2. The Durban Declaration and Programme of Action were landmarks in the fight against racial discrimination. They were forward-looking and encouraged States to reconcile themselves with their own past, at both the national and the international levels. They drew attention to specific groups of victims and placed particular emphasis on the problems faced by people of African descent.

3. However, if the Durban Conference was to mark a genuine turning point, it would have to result in positive actions to combat racism at all levels. In Brazil, intensive interaction between the Government and civil society had led to the adoption of a national programme of affirmative action which had, inter alia, established percentage goals for the participation of people of African descent — as well as women and disabled persons — in public administration.

4. In conclusion, she said that, despite the controversy which had surrounded the Durban Conference, it was crucial to focus on the highly positive contribution it had made. The implementation of its outcome would require political will, adequate funding and continuous international cooperation.

5. **Mr. Konfourou** (Mali) welcomed the fact that the Durban Declaration and Programme of Action had vigorously condemned past racist tragedies and had classed slavery and the slave trade as a crime against humanity. He was particularly pleased that the World Conference had highlighted the need to enact anti-discrimination laws to punish acts of racism and xenophobia committed against migrants and members of their families and to facilitate their access to justice and basic social services in their host country. In that connection, he stressed the need for a large-scale awareness campaign aimed at public servants who came into contact with migrants or other foreign populations. That campaign should also target the media, which was often responsible for inciting racial hatred and religious intolerance.

6. The Malian Constitution prohibited discrimination on any grounds. His delegation was therefore all the more saddened by certain discriminatory and xenophobic acts being perpetrated in Africa, which should be strongly condemned and punished.

7. The creation of the African Union and the implementation of the New Partnership for Africa's Development augured well for the promotion and protection of human rights in the region, and in that connection his delegation welcomed the recommendations in the Durban Programme of Action concerning measures to prevent racial discrimination against minorities.

8. The fight against racism and related intolerance should take place within the wider framework of the promotion of democracy, human rights and cultural and religious diversity. To win that fight, enhanced cooperation at both the regional and international levels was required. Mali stood ready to play its part in the implementation of the Durban Declaration and Programme of Action.

9. **Mr. Huntley** (Saint Lucia) said that the Millennium Declaration had reaffirmed the principle of equal rights and self-determination of peoples. As evidenced by the recent independence of Timor-Leste, the international community had, for the most part, successfully fulfilled its commitment to uphold the right to self-determination of peoples under colonial domination, but a handful of territories, predominantly

small island developing States in the Caribbean and Pacific, were still classified as non-self-governing.

10. In the Caribbean, most of the inhabitants of the Non-Self-Governing Territories were descended from the survivors of slavery and indentureship. Only through genuine self-determination would they finally be able to lay the memories of exploitative colonialism to rest. In that regard, he stressed the importance of resources to complete that process. Accordingly, the plan of action of the Second International Decade for the Eradication of Colonialism must be given a chance to succeed.

11. A comprehensive understanding of the choices facing the populations of Non-Self-Governing Territories was critical to their ability to exercise their right to self-determination, which entailed choosing between the options of independence, free association or integration. To that end, political-education programmes should be developed in each Territory, and could benefit from closer cooperation within the United Nations system and between the Third and Fourth Committees. In that connection, his delegation wished to recommend the joint convening by the Third and Fourth Committees of an informational forum on self-determination during the fifty-eighth session of the General Assembly, and requested that that recommendation should be included in the text of the draft resolution on self-determination.

12. Lastly, he recalled the importance of the commitment undertaken by States parties to the International Covenant on Civil and Political Rights to promote the self-determination of peoples of the Non-Self-Governing Territories, and drew attention to the invaluable work of the Human Rights Committee. His delegation recommended further cooperation between that Committee and the relevant General Assembly Committees working in the area of self-determination, in order to encourage the cross-fertilization of information and ideas relating to that issue. He requested that that recommendation should also be included in the Committee's draft resolution on self-determination.

13. **Ms. Blajan** (Romania) said that the elimination of racism and related intolerance was essential in order to ensure respect for human rights and the rule of law and promote the development of genuine democracy. However, words and official documents were not enough to achieve that goal: concerted national, regional and international action, based on the Durban Declaration and Programme of Action, was required.

14. The Romanian Government was committed to combating racial discrimination, and had created the conditions to enable minority groups to develop their own ethnic, cultural, linguistic and religious identities. Romania had been one of the first countries in Central and Eastern Europe to adopt a body of anti-discrimination legislation and had also implemented special measures to protect disadvantaged groups, such as refugees, asylum-seekers, migrants and victims of human trafficking, and enable them to realize their right to equal opportunities. In order to monitor the implementation of that legislation, a National Anti-Discrimination Council had been set up. The Council was also planning programmes to prevent discrimination and promote tolerance.

15. With specific reference to the Roma population, she said that the Romanian authorities were using education to fight against prejudice and intolerance. A quota system for the admission of Roma students to schools and universities had been introduced and a Roma Department had been established at Bucharest University.

16. The long-term national strategy regarding the Roma had been in place since 2001. It focused on cooperation between the Government, local authorities and Roma community organizations, and was designed to encourage the Roma to participate in the country's social, economic and cultural life and to ensure that they had access to education, health care and employment. The Government had recently appointed a member of the Roma community as coordinator of the national programme for the Roma.

17. She urged all States which had not yet done so to ratify or accede to the International Convention on the Elimination of All Forms of Racial Discrimination. Moreover, as part of the follow-up to the Durban Conference, her delegation had suggested that a Romanian expert should take part in the working group established to study the problems of racial discrimination faced by people of African descent living in the African Diaspora.

18. **Mr. Akram** (Pakistan) observed that the Charter and the International Covenants on Human Rights proclaimed the right of all peoples to self-determination. However, following its own liberation from colonial rule, India had chosen to deny that right

to the people of Jammu and Kashmir and had sent its troops to occupy the State. Despite the provisions of Security Council resolutions 47 (1948) and 80 (1950), which called for a free and impartial plebiscite to be conducted in Jammu and Kashmir under United Nations auspices, India had continued to deny Kashmiris the right to express their wishes freely and democratically. The recent so-called "elections" in Indian-occupied Kashmir had been extremely unsatisfactory and simply an exercise in fraudulent and forcible "democracy". It was impossible to hold free and fair elections in a territory under foreign occupation, and elections could never serve to legitimize such occupation.

19. Over the past 12 years, 80,000 Kashmiris had died and thousands had been incarcerated. Torture, arbitrary arrest, custodial killings and rape were all endemic, and collective punishments, such as the torching of entire bazaars, villages and fields of crops, had been the response to even a whisper of defiance. The dispute over Jammu and Kashmir had led to three wars between India and Pakistan, and the threat of nuclear war was now omnipresent. For the past ten months, India had been attempting to blackmail Pakistan and the rest of the world by threatening war.

20. Throughout the crisis, Pakistan had demonstrated restraint and responsibility, but India had rejected all pacific overtures. However, India's recent announcement that its troops would be withdrawing from the border with Pakistan was a step in the right direction: Pakistan had also decided to withdraw its forces from the border. It was hoped that India would soon pull back the additional forces it had deployed along the line of control in Kashmir.

21. India should abandon its present strategy and acknowledge that a military solution was not possible, that the status quo was untenable and that a peaceful and durable political settlement would require negotiations between India and Pakistan involving the true representatives of Jammu and Kashmir. In order to create the conditions for a negotiated solution, India must end its repression and human-rights violations in Kashmir and, in particular, it must release all Kashmiri leaders in detention; allow humanitarian assistance to reach the suffering people of Kashmir and the stationing of impartial human-rights monitors; remove its troops; and halt the practice of crackdowns on Kashmiri villages and urban areas.

22. His delegation hoped that India would respond to the call of the international community and commence a serious dialogue with Pakistan to address and resolve the Kashmir dispute and other outstanding differences between the two countries. He reminded the Committee that, pursuant to the various resolutions relating to the issue, the United Nations had a direct responsibility to ensure respect for the Kashmiri people's right to self-determination.

23. **Ms. Rasheed** (Observer for Palestine) said that the Durban Declaration and Programme of Action had made valuable recommendations for initiatives to combat all forms of racism and racial discrimination which provided a foundation to build upon.

24. In the occupied Palestinian territories, including East Jerusalem, almost half the Palestinian people had lived under oppressive Israeli occupation for more than three decades. Many of the measures taken, which had led to the death of 1,880 Palestinians and the wounding of more than 35,000, could not have continued were it not for the occupying Power's racist attitude. Over the past 35 years, Israel had transformed its occupation into a colonial phenomenon with the transfer of over 400,000 Israeli settlers to those territories. Such settlement was rooted in racism because it negated the most basic rights of the indigenous people.

25. Israel had also prevented approximately four million Palestinian refugees from returning to their homes and property, in defiance of international law and United Nations resolutions, based on religious discrimination. In Israel itself, more than one million Israeli Arabs continued to suffer institutionalized discrimination. Their living conditions were considerably below those of the average Israeli citizen and they were deprived of many benefits and services. Israel had no constitution and it was the only country in the world that differentiated between citizenship and nationality.

26. Racism was becoming more blatant in all spheres of Israeli public life. High-ranking government officials, army generals and even religious leaders had made overtly racist remarks about Palestinians. Calls for the annihilation or expulsion of Palestinians — equivalent to ethnic cleansing — were being made with impunity. Yet it was the Palestinians who were being accused of incitement.

27. Her delegation hoped that the international community would make every effort to bring the

occupation and the ongoing colonization of Palestinian land to an end. The rights of Palestinian refugees should be restored and Israeli Arabs should be spared institutionalized discrimination. Most importantly, the State of Palestine should be established with East Jerusalem as its capital.

28. Lastly, Palestine condemned the growing discrimination in some countries against Arabs, including Christian Arabs and Muslims, as well as statements which tarnished the name of Islam.

29. **Mr. Al-Khasawneh** (Jordan) said that Jordan considered that the right of peoples to self-determination was a fundamental, inalienable right and its exercise benefited global stability, peace and harmony. It agreed with the view expressed by various international legal bodies, including the International Court of Justice, that that right should not endanger the territorial integrity and political unity of independent States. However, that did not apply to peoples under foreign occupation. Accordingly, Jordan emphasized the inalienable right of the Palestinian people to self-determination and to freely determine their political status throughout the occupied West Bank and Gaza, including the right to establish an independent Palestinian State with East Jerusalem as its capital. That was the goal of the peace process, which confirmed the international community's recognition of the Palestinian people's right to self-determination.

30. Jordan called on Israel to end its occupation of Palestinian cities immediately and to withdraw its forces to their positions prior to 28 September 2000, in order to create conditions conducive to the resumption of the peace process, based on the terms of reference of the Madrid peace process, which would ensure a safer and more prosperous life for both Arabs and Israelis.

31. **Mr. Palacio** (Ecuador) said that, in addition to violating human rights, racism had always impeded national and international development and that the Durban Conference had provided the occasion for Ecuador, a multi-ethnic and multicultural country, to commence a national debate on the issue.

32. In 2001, it had established a committee representing both the public sector and civil society, including the indigenous sector and people of African descent, in order to draw up a national anti-racism plan. Moreover, in compliance with the Durban Programme of Action, social measures were under way, particularly in the areas of education and job creation for vulnerable sectors, such as indigenous peoples and those of African descent, within the framework of the medium-term social-development plan. The most recent national census had included questions concerning ethnic identity in order to reassess the heterogeneity of Ecuador's national identity with a view to abolishing all forms of discrimination.

33. In his report (A/57/204), the Special Rapporteur on contemporary forms of racism had indicated that there had been a resurgence of racism, racial discrimination and xenophobia in various parts of the world affecting migrants and refugees in particular. Owing to the economic crisis, compounded by globalization, in recent years hundreds of thousands of Ecuadorians had emigrated to find work in order to help their families. Ecuador therefore called for an end to discrimination against such emigrants and against all migrants and refugees.

34. **Mr. Gospodinov** (Observer for the International Federation of Red Cross and Red Crescent Societies (IFRC)) said that IFRC looked forward to collaborating with the recently appointed United Nations High Commissioner for Human Rights, Mr. Vieira de Mello, in its work against discrimination and in favour of respect for cultural diversity. IFRC actions were rooted in seven fundamental principles (humanity, impartiality, neutrality, independence, voluntary service and universality), which provided a solid basis for combating discrimination. The most important principle, and the guiding force behind all humanitarian actions, was humanity, or respect for one's fellow human beings.

35. The horrific events of 11 September 2001 in the United States had unleashed new problems related to xenophobia, discrimination and intolerance elsewhere in the world. Consequently, the IFRC Governing Board had resolved to take practical action to restore and strengthen humanitarian values across religious, political and ethnic lines, and IFRC was working to build partnerships among national Red Cross and Red Crescent societies so that they could collectively strengthen their work to combat discrimination and violence.

36. In 2002, IFRC had also decided to launch a programme to reduce discrimination and violence in the community. Activities included exchanges with the Office of the High Commissioner for Human Rights to increase links between national Red Cross and Red

Crescent societies and national human-rights institutions; regional actions in North Africa, Central Africa, the Americas and Central Asia; and the development of "communities of practice" to facilitate sharing experience and good practice within the Federation's network and with external partners. National Red Cross and Red Crescent societies developed and implemented their programmes in response to local or regional needs and addressed such issues as racial discrimination in a manner adapted to the national setting.

37. The fight against racism and related intolerance required everyone to be involved. IFRC programmes utilized the resources contributed by almost 100 million members and volunteers worldwide. But to increase effectiveness, it was essential to form partnerships with others, including the United Nations High Commissioner for Human Rights. As part of its follow-up to the Durban Conference, IFRC intended to give priority to developing such partnerships and would put the issue on the agenda of the International Conference of the Red Cross and Red Crescent to be held in Geneva in December 2003.

The meeting rose at 11.10 a.m.